

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

Crl.MC.No. 1729 of 2007()

CRIME NO.815/04 OF NEDUMANGAD POLICE STATIN.
CC NO.188/05 ON THE FILE OF THE JFCM COURT-II, NEDUMANGAD.

PETITIONER: ACCUSED

SUDARSANADAS @ GIRISH,
S/O.CHELLAPPAN, GIRISH BHAVAN, NEDUMANGAD.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.M.S. BREEZ.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

CRL.M.C.NO.1729 OF 2007

Dated this the 13th day of June, 2007

ORDER

The petitioner faces allegations under Sec.420 of the IPC. Cognizance has been taken on the basis of a final report submitted by the police. It is the contention of the petitioner that the dispute is one purely of a civil nature and that initiation of criminal proceedings really amounts to abuse of process of the court. Cognizance has been taken on the basis of the final report filed by the police.

2. I have heard the learned counsel for the petitioner. After discussions at the Bar, I am satisfied that it will only be appropriate to direct the learned Magistrate to consider the plea of the petitioner for discharge at the stage of Sec.239/240 of the Cr.P.C. Until a decision is taken on that question, personal presence of the petitioner need not be insisted. The petitioner shall be permitted to be represented by counsel till

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such decision is taken under Sec.239/240 of the Cr.P.C.

3. With the above observations, this petition is dismissed.

4. Hand over a copy of this order to the learned counsel for the petitioner.

**Sd/-
(R. BASANT, JUDGE)**

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P.S. to Judge